

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on February 2, 2009 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, Newland, NC.

Members Present: Kenny Poteat, Chairman; Phyllis Forbes, Vice-Chairman; Martha Hicks; Scott Heath; Glenn Johnson

Members Absent: None

**Call To Order**

Chairman Poteat called the meeting to order at 3:30 p.m.

Chairman Poteat stated that if someone would like to speak to an agenda item that they must sign a sign up sheet that the clerk has up front. Chairman Poteat advised that the County Manager would also have an update on the Land Transfer Tax.

Scott Heath led prayer.

Robert Wiseman, County Manager, asked with the Board's permission to amend the agenda to include a memorandum from the Senior Citizen's Department and a request from the Board of Education for soliciting for a construction management firm.

Chairman Poteat welcomed former Commissioner Joe Strickland to the board meeting.

The County Manager asked the Board to consider a third amendment for the agenda to add to the County Manager's report regarding the NC Marriage Amendment Resolution.

**Motion by Scott Heath and second by Phyllis Forbes to amend the agenda to consider the three items under the County Manager's Report. Motion unanimously approved.**

Chairman Poteat stated that the items would be placed at Item 3.4A1.

**Public Comments**

There were no public comments from the audience.

Chairman Poteat stated that he had a call from a fine lady who is not a resident of Avery County but does have property in Avery County and her concern was what she termed as taxation without representation regarding the Land Transfer Tax. Chairman Poteat said her concern was that she could not vote on this issue even though she owns property and pays taxes. He said she talked at length with the County Manager and has been forwarded for expert advice to the legal counsel in Raleigh. He said that no one here would intend to even come close to taxation without representation.

Martha Hicks asked the County Manager if the courthouse would be open on the night of the election. Sondra Austin, County Manager's Assistant, advised the Lisa Daniels could leave a key if the commissioners wanted it open. The County Manager stated that given the expected turnout possibly the magistrates office could be used for seating and if the crowd exceeded capacity the courtroom would be open.

**Board Appointments  
Agriculture Advisory Board**

The County Manager stated that there are three reappointments for the Agriculture Advisory Board and this Board recommends Bob Johnson, Anne Coleman and Gerald Arthur. These will be three year terms.

**Motion by Glenn Johnson and second by Martha Hicks to approve Bob Johnson, Anne Coleman and Gerald Arthur to serve on the Avery County Agricultural Advisory Board for a term of three (3) years.**

Chairman Poteat stated he appreciated the willingness of these persons to serve.

**Motion unanimously approved.**

**Banner Elk Planning Board**

The County Manager stated there was one position which will become vacant on the Extraterritorial Zoning Jurisdiction for the Town of Banner Elk which needs to be approved by the Board of Commissioners and is a 3 year term. The Town of Banner Elk is recommending Buster Burleson to be appointed to this board.

**Motion by Martha Hicks and second by Phyllis Forbes to appoint Mr. Buster Burleson to the Extraterritorial Jurisdiction Zoning Board. Motion unanimously approved.**

**Toe River Health District – Jesse Greene**

Jesse Greene, Toe River Health District Director, advised that he tried to outline of the 245 fees 21 that the Board is asking for approval to change. He said that he showed last year's fee and the reason for the change which is the Medicaid rate increase. Mr. Greene stated that these fees are the entire fee schedule for Avery, Mitchell and Yancey County fees. Scott Heath stated that he did not have a problem with any of the other fees but did have a problem with the issue of square footage for septic fees in Avery County when most of the other counties in the state use the number of bedrooms to calculate the fees and with his calculation a 2500 square foot home with 4 bedrooms in Avery County would be \$750.00 and the same home in Watauga County would be \$475.00. For equitability in the pricing fee, we ought to look at going back to the bedroom situation like everyone else is and not go out on the square footage stated Mr. Heath. Mr. Heath asked Mr. Greene to take a look at this situation and bring it up at the next board meeting of the Toe River Health District Board. Chairman Poteat stated there was consensus from all the Commissioners to revisit this issue at the next Board of Health meeting. Mr. Greene commented that in the Board of Health minutes that the position was put forward as far as square footage that the equity was to the side of the smaller builder and not that of a larger home. Mr. Greene stated that he needed approval of this fee plan and this will be brought to the Board annually in October.

Glenn Johnson advised that he was not in favor of Mitchell County paying \$260.00 for the well inspection fees. Mr. Greene stated that the Board of Health is advocating harmonizing those fees. Phyllis Forbes advised that when the well permit fees were set and Mitchell County wanted the rate less it was decided that after 6 months of gathering data that the Board of Health would see if Avery and Yancey needed to lower their fees or if Mitchell County needed to raise their fees to the \$310.00 and that for those 6 months Mitchell County would pay the difference if there was a difference. Mr. Greene stated that the fee schedule approval today does not include well permit fees.

**Motion by Phyllis Forbes and second by Glenn Johnson to approve the Toe River Health District summary of fee changes from 2008 to 2009 according to the table that is presented to the Board of Commissioners. Motion unanimously approved.**

Chairman Poteat advised that there were two things that Mr. Greene was going to help Avery County with is discrepancy in the well fees amongst the counties and square footage versus bedrooms in regard to on-site wastewater management and report back to the Board at a later date.

**Tax Collector's Report – Phillip Barrier**

Phillip Barrier, Tax Assessor, presented the Tax Collector's report in the absence of Mary Daniels. The tax collection for the month of January was \$3,326,356.29.

**Motion by Scott Heath and second by Phyllis Forbes to approve the Tax Collector's Report as presented. Motion unanimously approved.**

**Tax Assessor's Report – Phillip Barrier**

**Real and Personal Releases**

The Real and Personal Releases for January 2009 were County Tax \$507.97; Fire Tax \$51.94 and Late List Penalty \$11.11.

**Motion by Glenn Johnson and second by Martha Hicks to approve the Real and Personal Releases for January 2009 as presented. Motion unanimously approved.**

**Real and Personal Refunds**

The Real and Personal Refunds for January 2009 were County Tax \$518.14 and Fire Tax \$55.93.

**Motion by Phyllis Forbes and second by Glenn Johnson to approve the Real and Personal Refunds for the month of January 2009 as presented. Motion unanimously approved.**

**Motor Vehicle Releases**

The Motor Vehicle Releases for January 2009 were County Tax \$320.21 and Fire Tax \$34.57.

**Motion by Martha Hicks and second by Phyllis Forbes to approve the Motor Vehicle Releases for the month of January 2009 as presented. Motion unanimously approved.**

**Resolution for Board of Equalization and Review**

Phillip Barrier, Tax Assessor, asked that the Board adopt the Resolution for the Board of Equalization and Review so the advertising process can begin to take applications for people to serve on the Board of E&R. Chairman Poteat stated for background information this is an annual event so the people of Avery

County have the right to appeal their tax assessment. Mr. Barrier advised that this was a 5 member board with one alternate and the County Commissioners have always appointed a special board instead of the County Commissioners sitting on this Board of E&R. Mr. Barrier stated that he would advertise for people to serve on the board and then will bring that to the Board hopefully the first meeting in April and then the Board of E&R will meet around the 20<sup>th</sup> of April for the first meeting. Glenn Johnson asked when the next revaluation is scheduled. Mr. Barrier answered that the revaluation was scheduled for 2010 and that he would come before the Board with a resolution in April or May.

**Motion by Scott Heath and second by Glenn Johnson to approve the Resolution to appoint a Board of Equalization and Review for 2009. Motion unanimously approved.**

Mr. Barrier advised that the sales statistics for the month of January were 24 sales from December 30, 2008 until January 26, 2009 that is considered qualified sales which total \$7,923,750 and if the Real Property Transfer Tax had already been passed this would have been \$21,000.

**Subdivision Approval of Black Point – Loretta Smith**

Loretta Smith, Avery County Ordinance Administrator, stated that the Avery County Planning Department and Avery County Planning Board was submitting Black Point for final approval. She said the overall project of Black Point consists of approximately 80.74 acres. The property consists of 43 lots plus designated common areas with the minimum lot size of 0.750 acre and the maximum lot size of 9.115 acres and is located on Highway 221 in Linville Falls in the Altamont Township. This property has been developed by Black Point Development, LLC of Pinehurst, NC. The Sedimentation and Erosion plan for Black Point was approved on January 12, 2007 by Garry Benfield. This is a gated community with access working on siren frequencies for emergency vehicles. The site has been visited by the Avery County Fire Marshall and by the Chief of Crossnore Fire Department, Jack Wiseman and have been approved for fire apparatus use. There is a letter from the surveyor, David Stern, stating that the maximum grade within this project for streets and joint driveways is 13%. Tiffany Kirkpatrick, developer of Black Point was present at this meeting.

Chairman Poteat stated it was his opinion that in fairness to others and what we have learned from our mistakes is that if the Board makes any motion today that it be contingent upon the Commissioners privately viewing these roads. Glenn Johnson advised that he had a problem with voting on anything that he had not seen. Phyllis Forbes stated that she had been there before the gate went up and when the grading was first beginning. Scott Heath commented that he had a problem with having to go out and taking a look at it being contingent on approval. He stated that is not what the Commissioners do but what the Ordinance Administrator does and that the Inspections Department and the Ordinance Administrator should ensure to the Commissioners everything is done properly. Mr. Heath advised that he would like to see the Ordinance Administrator tell the Board that the developments meet all state codes and regulations and all county codes and regulations. Ms Smith stated that the Inspections Department has to actually take the surveyors answer for the grades on the roads because the Inspections Department does not have a way of shooting the grades. Mr. Heath stated for final approval that he needed from the Ordinance Administrator the assurance that all of the requirements are met for the subdivision. Martha Hicks questioned why the Inspections Department did not have the equipment to shoot grades. Tommy Burleson, Director of Inspections Department, said the grades would not be official because the staff in the Inspections Department is not engineers. Glenn Johnson stated that he was not an engineer, surveyor or ordinance administrator but he would still like the ability to go out and see the subdivision prior to the point of subdivision approval and in the future have a week to be able to go and look at the property. Chairman Poteat commented that the whole board would be in favor of a week or two weeks prior to a subdivision approval that the Board would have the opportunity to look at the properties.

Chairman Poteat stated that Glenn Johnson and the Chairman would visit Black Point tomorrow.

**Motion by Scott Heath and second by Glenn Johnson to give final plat approval to Black Point and the Chairman to sign appropriate milars contingent upon the Chairman and Glenn Johnson viewing the property February 3, 2009 and by closing time 4:30 p.m. on February 3, 2009 at the County Attorney's office these milers will be passed on and approved or held for further scrutiny. Motion unanimously approved.**

Robert Wiseman, County Manager, advised that the dialogue that has been going on supports the fact that the Subdivision Ordinance needs to be revisited and possibly the Board could request some guidance from a state agency possibly the Division of Community Assistance so the planning board could have clearer direction on certain issues. Scott Heath stated that he would ask for a consensus of the Board for the manager to contact these people and try to have them come up and look at the process to support the planning board.

**By Consensus of the Board, the County Manager is to contact the Division of Community Assistance for guidance with planning board issues.**

### **Recess**

The Chairman called for 3 minute recess.

Chairman Poteat called the meeting to order after a brief recess. Chairman Poteat stated that at the beginning of the meeting he had quoted speaking to an agenda item and in defense of those not used to our protocol the amendments to the agenda will be repeated. In the County Manager's report, an item regarding an employee at the Senior Center will be discussed; request from Dr. Eades for contracting with a management consultant firm; former Commissioner Joe Strickland with a proposed Resolution concerning same-sex marriages. Also, the County Manager stated he would comment on the Land Transfer Tax. Chairman Poteat reiterated that any person in the audience that would like to speak to any of these issues would need to sign the sign up sheet.

### **Avery Senior Center In-Home Aide Position**

The County Manager advised that the Avery County Personnel Policy in Section 7-A states that a direct relative may not be employed under direct supervision of a relative. R.D. Daniels, Director of the Senior Citizens, reported that an in-home aide, Betty Hollifield, had been sick for a while and now had to resign. Mr. Daniels stated that in the fall a temporary person was hired, Joy Harmon, who is the daughter of Judy Johnson, the In-Home Aide Supervisor and that Joy had no intentions of continuing in this position but has grown to enjoy this position and would like to continue in this position. Mr. Daniels advised that Judy Johnson would not be in control of Joy's hiring, promotions or salary considerations and that the Board is being asked to waive the employee/relative restriction in this case. Mr. Daniels stated that the supervising by Judy Johnson would be doing daily scheduling, training and daily operations of the program. Scott Heath stated that certainly this is a necessary policy and waiving of such a thing need not be taken lightly and that he was concerned about this setting precedence and that if the Board got a rash of waivers that he reserved the right to say no to someone else. Glenn Johnson asked if Mr. Daniels had seen any problems with jealousy among the others with Joy being Judy's daughter. Mr. Daniels answered he had not.

**Motion by Scott Heath and second by Phyllis Forbes to waive the policy concerning nepotism in the case of Joy Harmon and Judy Johnson being her supervisor. Motion unanimously approved.**

### **Construction Management Firm – Avery County Board of Education**

The County Manager stated that the Board of Education is requesting approvals to get proposals for a construction management firm for the new Banner Elk School. The County Manager advised that by consensus or motion he recommended that the Board approve for the Board of Education to go ahead and get the proposals for a construction management firm. Chairman Poteat questioned if this was a motion to employ the firm. The County Manager stated it was not a motion to employ the firm but to get proposals. Danny Clark stated that the Board of Education has been interviewing two construction firms that are both qualified and have been narrowed down to one and the problem is that the Board of Education is pushed for time because the architects have started and the sooner the Board of Education have them on board the better off this project would be and the Board of Education requests the Board of Commissioners to allow the Board of Education to contract with a construction management firm. Mr. Clark stated that the cost estimates were around 4% up to 6%. He advised that the company will come in and the base fee is 2% of the cost estimate to look at the plans and then when the plans are finalized the construction management firm will give a guaranteed maximum price to build the school. Mr. Clark explained to do construction observation it is 2% of the guaranteed maximum cost and then they have construction costs and this would be between 1 and 2%. Tim Greene advised that this would be approximately \$500,000. The County Manager stated that legal counsel needed to have a chance to look over the legal document. Scott Heath advised that he listened to the gentleman of the one management firm and he did say that their being on site everyday, the efficiency of what they do and using local contractors is an advantage. He said that the biggest thing was that the best advantage of using the management firm was not necessarily the money savings but the quality of product for the money invested and looking back at other projects there have been some that were considered fiascos. Mr. Heath stated that what really "hit the nail on the head" for him was that there are not the problems of construction after the job is done and the contractor is off the job and the architect is done because the management firm is there looking after our interests. Phyllis Forbes said that she was very impressed with the construction management firm and that she was supportive of having a construction management firm. She stated that she had worked in buildings that have been built and not had an overseer and have seen the mistakes that have been made and a lot of money was spent going back and correcting these problems. Martha Hicks said she was very impressed with the construction management firm and that it would be worthwhile to do this. Glenn Johnson questioned when this firm would become employed. Danny Clark answered as soon as the Board of Commissioners gave the approval. Mr. Johnson advised that he was impressed with the person that put on the presentation but also this person is a professional with what he does and he gets paid to give good presentations. He said that the person with the construction management firm did make one comment that he could almost guarantee that he could save us his fee in reduced costs. Mr.

Johnson asked what advantage is there to in fact, if the fee is based on cost of construction, to actually save us money and therefore they would be getting less money. Mr. Clark reported from reading the contract \$200,000 would be the first part of the fee and once the plans are drawn and everything is ready to go out to bids the company will divide this up into packages and put out to local contractors and then they will come back to the Board of Education with the fee included and any savings they save through the building process the Board of Education would receive; the fee does not change and the management firm does not keep the money. The County Attorney stated to have someone hired for this type of position there would need to be three bids because it is a contract for services over the statutory allowed maximum. The County Attorney advised that if the Board inclined to have a motion that it would be appropriate for that motion to include that all statutory requirements be checked by the County Attorney, County Manager and the School Board Attorney. The County Attorney stated that as far as she knows the property is still titled to the County.

Discussion regarding the construction management firm.

**Motion by Phyllis Forbes and second by Scott Heath to approve the employment of a construction management company to assist in the building of the new Banner Elk School contingent upon the opportunity for the County Attorney to research all statutory requirements or property entitlement to ensure that this is done correctly and legally in conjunction with the school board attorney and the County Manager.**

Glenn Johnson stated that his understanding was when he had listened to the presentation from the construction management firm was that there would be three bids taken. Mr. Johnson questioned if the construction management firm would be the general contractor with subcontracts under them. Danny Clark answered that this was correct. Mr. Johnson said he was under the impression that there would be bids and the contractor would be selected and then the construction management people would oversee them and that would be an additional cost and that it seemed strange that the construction management firm is in fact the general contractor. Mr. Clark stated that the construction management firm would be the construction manager but assume all risks and liabilities by being the contractor. Chairman Poteat advised that he still had some concerns regarding this issue.

**Vote: Phyllis Forbes, Scott Heath and Martha Hicks – in favor; Kenny Poteat and Glenn Johnson – opposed. Motion carried by majority vote (3-2).**

Glenn Johnson stated that he would prefer the traditional way of doing things with a contractor and then having a construction manager and that he did not quite understand this and had to vote against it.

#### **North Carolina Marriage Amendment Resolution – Joe Strickland**

Former Commissioner Joe Strickland introduced his friend Mr. Jerry Orr. Mr. Strickland explained that he had contacted all 100 counties in the state of North Carolina and so far he had nothing but resounding approval for this. Mr. Strickland stated that when someone comes from another state like California that legally recognizes same sex marriages then they can challenge the laws that are on the book and can say that this is unconstitutional and without any reference in the constitution they would be likely to prevail. Mr. Strickland reported that out of 14 southern states, North Carolina is the only state that does not have this constitutional amendment. Mr. Strickland stated that he is asking to help jar the General Assembly loose to vote on this question. Mr. Strickland advised that he is asking the Board to approve this resolution and send to respective members of the House and Senate to indicate that the Board is in support of this item and should be placed before the voters to vote up or down as to whether or not there is a constitutional amendment. Mr. Strickland also asked Sheriff Frye to invite the Sheriff's Association to support this issue. Michaelle Poore, County Attorney, stated that she had looked at the Resolution and saw no problem as to the form. Mr. Strickland said that the North Carolina Family Counsel lawyers had prepared this Resolution. Chairman Poteat stated that he read everything and asked if there were any questions or concerns. There were no further questions.

**Motion by Glenn Johnson and second by Martha Hicks to approve the Resolution concerning the North Carolina Marriage Amendment. Motion unanimously approved.**

#### **County Manager Updates – Robert Wiseman** **Avery County Airport Grant**

The County Manager stated that there was nothing to report on this issue at this time.

#### **Energy Exchange**

Mr. Wiseman stated he hoped to have a written report from Heather Dows in the near future.

#### **Land Transfer Tax**

The County Manager advised there had been a lot of misinformation. He also advised that the polls would be open from 6:30 a.m. to 7:30 p.m. He reported that approximately 800 people have voted through one-stop and absentee voting. Scott Heath stated he did not realize that this was such a heated debated issue and that he was glad to see there was heated debate. He said that the Board passed the

referendum but people needed to understand just because we passed the referendum didn't mean we supported the vote but also it occurred to him that as a County Commissioner whether this Land Transfer Tax passes or it doesn't pass it is the Board's obligation to provide the facilities for the children of Avery County. He advised that whether we have the extra money from this source we have to pay for the facilities and have the facilities either way.

#### **Waiving of Permit Fees – Calloway Family**

The County Manager stated that there was insufficient information to make a decision and that he would investigate this further.

#### **WAMY Community Action's Application for Funding for the CSBG 2009/2010**

Marnie Werth, Community Services Block Grant Coordinator, stated that the Community Services Block Grant is 100% Federally funded and every year the grant must be applied for and it is required that it comes before the Board of Commissioners for review and comment. Ms. Werth advised that WAMY is trying to serve more people. Mr. Heath explained that when he was first appointed to this board he thought it was another social government handout but after being on this board he realized that WAMY is an organization that helps people help themselves. The County Manager stated there would be a public hearing on February 24<sup>th</sup>, 2009 in Boone regarding the Community Services Block Grant.

Scott Heath asked the Board by consensus that the Board supports the work that WAMY does. He also stated that for the record the Board has reviewed the application for the Community Service Block Grant.

#### **Jail Update**

The County Manager advised that the Sheriff, Chief Jailer, Consultant from Brennan, County Manager and Beeson, Lusk and Street representatives met regarding the new jail plans. The County Manager stated that after several changes and revisions that there is a good set of plans. The County Manager said that he had a new construction schedule. Sheriff Frye stated that the contract with the jail consultant had paid off tremendously and that he was pleased with the plans and that right now there would be approximately 53 cells in the new jail which would do the County well past what the average life expectancy of a jail is. The County Manager advised that the larger set of plans for the new jail would be available after this meeting for the Commissioner to look over.

#### **Finance Officer Report – Tim Greene** **Budget Amendment # A09-23**

Tim Greene, Finance Officer, reported that the collection and disbursement of 911 fees changed on January 1, 2008. The changes resulted from Session Law 2007-383. As a result of these changes, any fund balance of landline line fees collected prior to January 1, 2008 can be transferred to the local government's general fund.

**Motion by Scott Heath and second by Phyllis Forbes to approve the 911 landline line fees transfer to the General Fund. Transfer to General Fund Debit of \$67,198.25 (226600.8550) and Credit of \$67,198.25 Fund Balance-Appropriated (223990.0000) and Available for Appropriations Debit of \$67,198.25 (107000.6000) and Transfers To/From General Fund Credit of \$67,198.25 (103903.0000). Motion unanimously approved.**

#### **Selection of Audit Firm**

The Finance Officer stated that it was the time of year that the Board needs to make a motion to approve the current auditors or to seek proposals from other firms. He said that he requested the Board make a motion to approve Young, Miller, & Gillespie, PA to audit the financial statements of the County of Avery as of and for the year ending June 30, 2009. The audit will begin in July 2009 and their report will be issued no later than October 31, 2009 at a price not to exceed \$31,900.00. This is a \$5,900.00 increase from the prior fiscal year. This \$5,900.00 increase includes \$3,500.00 for the Fire Commission Audit and \$2,400.00 for approximately 9% increase for the County Audit. There has not been an increase for 3 years. The Finance Officer stated that this was a competitive price. Glenn Johnson said he would be comfortable with putting out for bids for the audit firm. Scott Heath suggested that the County goes ahead with Young, Miller, & Gillespie this year but next year to put out for bid. Discussion regarding the auditors.

**Motion by Scott Heath and second by Glenn Johnson to employee Young, Miller, & Gillespie for the audit firm for the year ending June 30, 2009 and for the financial period 2010 to put out for bid. Motion unanimously approved.**

#### **County Attorney Report – Michaelle Poore**

Michaelle Poore, County Attorney, advised that the Avery County Airport Authority had entered into a lease agreement with the County that was for a 10 year period for the airport property. That lease automatically renewed at the beginning of 2009 and the County Manager felt it would be a good idea to do an extension of that lease agreement to record at the Register of Deeds. The agreement has been prepared and Sam Calvert, Chairman of the Airport Authority, has signed that document.

**Motion by Phyllis Forbes and second by Glenn Johnson to approve the extension of the land lease agreement between Avery County and the Avery County Airport Authority and authorize the Chairman of the Board to sign. Motion unanimously approved.**

**Subdivision Ordinance Change**

The County Attorney stated that at the Board meeting a couple of weeks ago the Board of Commissioners had asked the Avery County Planning Board to consider a possible change to the Subdivision Ordinance. The planning board met on January 22, 2009 and they discussed the issue and the planning board did feel that it was appropriate for the change to the ordinance be recommended to the Commissioners with some proposed language. The County Attorney advised if the Commissioners decide to act on changing the Subdivision Ordinance there does have to be a public hearing held and advertised for two weeks. At that time, if the vote of the Commissioners is not unanimous on changing the Ordinance, then there will have to be a second vote held at another meeting. She stated that if the Board wanted to consider that it would be up to the Board to schedule a public hearing. Discussion regarding scheduling a public hearing. Glenn Johnson asked if the 30 day extension by Hawk's Crossing had any bearing on this issue. The County Attorney advised that at this point Hawk's Crossing is planning on subdividing into 10 acres. Mr. Johnson said the Board needed to get this issue taken care of as soon as possible.

**Motion by Scott Heath and second by Phyllis Forbes to set a public hearing concerning proposed amendment to the Subdivision Ordinance on Thursday, March 5, 2009 at 5:00 p.m. at the Commissioners Board Room. Motion unanimously approved.**

The County Manager stated that this public hearing has nothing to do with the instructions that the Board gave the County Manager to pursue correspondence with the Division of Community Assistance to take another look at the County's ordinance; this is two separate issues.

**Approval of Minutes**

**Motion by Glenn Johnson and second by Martha Hicks to approve the January 5, 2009 Regular Session Meeting Minutes. Motion unanimously approved.**

**Agenda Consent Items**

**Agenda Consent Items adopted by Consensus of the Board.**

**Upcoming Meetings**

The next Regular meeting will be March 2, 2009 at 3:30 p.m. A public hearing will be held on changes of the Subdivision Ordinance Thursday, March 5, 2009 at 5:00 p.m.

**Motion by Phyllis Forbes and second by Scott Heath to adjourn this meeting at 6:55 p.m. Motion unanimously approved.**

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**Kenny Poteat, Chairman  
Avery County Board of Commissioners**

ATTEST: \_\_\_\_\_  
Cindy Turbyfill, Clerk